

Implementation of California's Interim HAVA Solution Proposed Plan v 4.2 October 11, 2005

1. Single, Uniform, Complete, Official List of All Registered Voters

To establish the voter registration list contained in the Secretary of State (SOS) Calvoter system as the official list of registered voters for Federal elections in California, the SOS will complete the following steps by December 31, 2005:

1. Implement regulations and procedures to synchronize the Calvoter voter registration (VR) database with the VR lists maintained in the 58 county Election Management System (EMS) databases each business day. At the completion of each synchronization procedure, the substantive contents of Calvoter will be identical to the cumulative contents of the county VR databases;
2. Implement regulations and procedures to ensure that all elections decisions in Federal elections are based on data in the official, Calvoter voter registration list
3. Implement regulations, procedures and technical changes to require that all information explicitly or implicitly required by HAVA and the National Voter Registration Act of 1993 (NVRA) are recorded within Calvoter and each county EMS. The SOS will implement technical systems and procedures to verify that all required information is correctly maintained by each county. SOS will implement regulations and procedures to ensure correction of any identified deficiencies.
4. Implement regulations and procedures to include in Calvoter all inactive voter records stored in the county EMSs.
5. Implement regulations, procedures and technical systems to check all voter registration addresses against the National Change Of Address (NCOA) registry at least once each month (except during the three months before a Federal election), and automatically transmit specific directions to counties to research and correct the information stored in Calvoter and the county EMSs within 5 business days of notification.
6. Implement regulations, procedures and technical systems to verify that all data contained in Calvoter is valid and in the proper format, and automatically notify counties of required changes. Counties will be required to correct and upload all data within 5 business days of notification.

HAVA requires that local elections officials have immediate access to the statewide voter registration list. Calvoter provides direct online access to its voter registration database by the counties.

HAVA also requires that local elections officials immediately update records after new data is received. SOS will promulgate regulations to require each county to update the Calvoter voter registration database with all changes the same day those changes are

made to the county EMS databases. Processes will be established and maintained so that the Calvoter voter registration database is synchronized with all county EMS databases each business day. SOS will verify that county EMS vendors have developed technical processes to ensure that the daily update files, when applied to the Calvoter database, ensure that the data in Calvoter is identical to the data in each county's database. SOS will require each county to periodically upload its entire voter registration file so that SOS can verify that the databases are fully and accurately synchronized.

SOS will develop regulations, processes and procedures to ensure that all decisions regarding eligibility to vote, issuance of ballots, and the acceptance or rejection of provisional ballots in Federal elections, will be based upon the state's official list. When business processes require the use of the county EMS database for these decisions, SOS procedures will be implemented and maintained to ensure that these decisions are identical to decisions made by direct reference to the state list.

Elections officials are required by statute and regulation to perform list maintenance activities in a specified manner. In order to ensure that county elections officials perform list maintenance activities required by HAVA and NVRA, SOS is promulgating regulations requiring counties to collect and retain in their EMS databases the last federal election in which the registrant voted, the date a notice pursuant to Section 8(d)(2) of the NVRA was sent to the voter, whether the voter responded to the notice and was returned to active status, and the date the voter was placed on inactive status. To assist in list maintenance activities, the SOS will implement an internal server to receive current NCOA data, and to check all current voter registrations against the NCOA data at least monthly (except during the three months before a Federal election) to identify voters who have relocated.

Counties will be required to upload this list maintenance information to the Calvoter official list, and to perform list maintenance activities on a specified schedule. SOS will develop and maintain automated processes to verify that each county is recording and uploading the required data elements, and that the counties are performing required list maintenance activities. When such processes indicate that a county is not complying with such requirements, the SOS will take increasingly escalating actions to obtain county compliance, including but not limited to investigation of procedural or technological impediments to compliance, inquiry and investigation regarding the need for training, development and deployment of technological and procedural solutions, as necessary, and taking punitive action including litigation.

Proposed Technical Changes

- SOS will modify processes to ensure that all uploads are processed from the counties so that the Calvoter voter registration database is synchronized with county voter registration databases at least once each business day. Counties will normally upload the changes made to their VR files each day; SOS will periodically require counties to upload their entire VR files to allow SOS to ensure that the daily upload processes are accurate and complete.

- Counties will include inactive voters in all data uploads to Calvoter.
- SOS will acquire additional hardware to accommodate inactive records. (At this time, SOS is estimating the inactive records in county EMSs number approximately 15 million.) SOS will modify automated ballot pamphlet mailing processes to prevent mailings to inactive voters.
- SOS will assign unallocated fields in Calvoter to contain information tracking county list maintenance activities, including the date registrants became inactive and the date NVRA Section (8)(d)(2) notices and other list maintenance mailings were sent. SOS will modify the specifications and data format for the uploads required from the county EMS to include the additional data. Counties will modify their EMS and procedures to upload the additional data. SOS will modify computer processes to load the additional fields into the Calvoter database.
- SOS will develop automated processes to verify the presence, format and consistency of all VR data fields. These processes will include statistical analysis to identify counties whose VR data is not consistent with expectations (e.g., too high a percentage of inactive voters, or too many records with generated voter identifiers).
- Counties whose EMSs cannot be modified to meet the new data and upload requirements will be migrated to a compliant EMS before the June 2006 federal election.
- SOS will add functionality outside of Calvoter to validate that data uploaded to Calvoter from counties meets data format standards, and to generate notifications to counties of corrections required. Counties will be required to correct substantive errors, those that affect the determination of voter eligibility or the detection of duplicate registrations or errors that prevent the data from being loaded to Calvoter, within 5 business days of notification. Records with nonsubstantive errors will be loaded into the database, and a notice sent to the county. Counties will be required to correct and re-upload records with nonsubstantive errors within 5 business days of notification.
- SOS will add processes to existing Calvoter functionality to process NCOA information on a monthly basis (except during the three months before a Federal election), and to generate electronic notices to counties of apparent address changes for their registrants.

Proposed Regulations

A complete copy of the draft regulations proposed by SOS is attached hereto as Attachment B. The relevant regulations regarding the Single, Uniform, Complete, Official List of All Registered Voters solution are:

§ 20108 – Purpose of the chapter – to establish standards and procedures for transmitting and maintaining voter registration records in conformance with HAVA.

§ 20108.1 – Definitions

§ 20108.12 – Action required by county elections official to update, change or cancel a voter registration record.

§ 20108.15 – Data exchange standards

§ 20108.18 - Official statewide voter registration list maintained by state

§ 20108.20 – Requirements of county Elections Management Systems

§ 20108.25 – Deficient voter registration records

§ 20108.35 – Active voter files

§ 20108.36 – Inactive voter files

§ 20108.40 – Updating Calvoter

§ 20108.50 - National Change of Address Processing

§ 20108.51 – Department of Motor Vehicles Change of Address Processing

§ 20108.75 – Voter history

2. Unique Voter Identification and Elimination of Duplicate Voter Registration Records

To facilitate identification of voters and ensure one person is not registered multiple times, the use of a unique identifier is critical. SOS proposes to implement an array of technical systems, procedures, and regulations to associate a verified unique identifier with every voter in Calvoter and the county VR databases. SB 1016, signed into law October 7, 2005, provides that persons registering to vote in California must provide the identification number information required by Section 303 (a)(5) of HAVA.

The SOS will obtain current identification data from the state Department of Motor Vehicles (DMV), and apply a combination of technical and procedural steps to determine whether a California Driver's License (CDL) or California Identification Card (CA ID) has been issued to each existing voter in the system. If either can be accurately associated with a voter, the CDL or CA ID number will be entered into the county EMS VR database as the unique identifier for the voter and uploaded to Calvoter.

If it is determined that the existing voter has not been issued a CDL, CA ID or social security number (SSN), a unique identifier will be generated and assigned to the voter. This generated unique identifier will be based upon the name and date of birth of the voter, and will be assigned according to procedures that ensure that the same identifier will be assigned each time the individual registers to vote, without requiring the voter to present the identifier.

For new registrants, the SOS will modify its existing CalValidator system to provide an automated mechanism for counties to verify or obtain a unique identifier for each voter. This system will include a copy of the DMV identification file. Counties will use the system to check individual voter records, or to check groups, or batches, of records, against DMV and SSN records. If a record is not found on the local copy of the DMV files, the system will automatically check the DMV system for a newer record.

For each voter record presented, CalValidator will check the DMV data to verify that the CDL or CA ID, if provided, matches the presented name and date of birth for the registrant.

If no CDL or CA ID is provided, but a partial SSN is, the system will check DMV records to see if the partial SSN, name and date of birth matches a record with an assigned CDL or CA ID, and if so, will return that information to the county elections official for further verification. If no record is found in the DMV files, CalValidator will automatically check the partial SSN, name and date against Social Security Administrator's (SSA) records. If a match is found, this information will be returned to the county elections official, who will use the SSN and date of birth in a specified format to assign a unique identifier to the voter.

If no CDL, CA ID or SSN is provided by the registrant and none can be determined through CalValidator, or if the presented information cannot be verified through CalValidator, the elections official will contact the registrant to attempt to obtain a valid identifier. If it is determined that the voter has not been issued a CDL, CA ID or SSN, a unique identifier will be generated and assigned to the voter. This generated unique identifier will be based upon the name and date of birth of the voter, and will be assigned according to procedures that ensure that the same identifier will be assigned each time the individual registers to vote, without requiring the voter to present the identifier.

SOS will run processes against the Calvoter database at least weekly to identify potential duplicate voters. These processes will use both the unique identifier, and a rotating group of alternate criteria, to identify potential duplicates, including instances where the voter may have changed his or her name. Counties will be notified automatically of potential duplicate records, and will be required by regulation to research and cancel any duplicate records within 5 business days of notification.

Proposed Technical Solution

- SOS currently operates CalValidator, an automated system that allows counties to check the CDL or CA ID presented by registrants against a copy of the DMV files.
- SOS will update the copy of the DMV files used by CalValidator with current data. SOS will modify processes to obtain a current copy from DMV at least twice each year.
- SOS will modify its existing CalValidator system to automatically check the online DMV system if a matching record for a voter is not found in the local copy of the database.
- SOS will modify CalValidator to allow counties to submit a partial SSN for verification where a CDL or CA ID has not been provided. CalValidator will be modified to check the local copy of the DMV records for a match of the partial SSN, date of birth and name of the voter, and to return the CDL or CA ID, if found. SOS will modify CalValidator to send an automatic query to DMV if no match is found on the local copy of the DMV files.
- DMV will develop a new transactional interface with CalValidator to accept CDL, CA ID or partial SSN data, along with name and date of birth, and to check this information against its files. If no match is found for a partial SSN in its files, it will automatically generate an online query to the Social Security Administration (SSA), which will compare the partial SSN, name and date of birth against its data. SSA will automatically return the results of this check to DMV, which will automatically return the results to CalValidator.
- After an initial period to allow counties to clear duplicate inactive records, SOS will modify the existing Calvoter duplicate check process to provide repeated notifications of duplicate unique identifiers in its VR database until the duplicate is corrected by the appropriate county.

- County VR systems will be modified to record and upload to Calvoter whether the registrant's identification has been checked against DMV and SSA records through Calvalidator. Calvoter will be modified to store this information. The databases will include a notation to indicate that this identifier was verified.

Proposed Regulations

A complete copy of the draft regulations proposed by SOS is attached hereto as Attachment B. The relevant regulations regarding the Unique Voter Identification and Elimination of Duplicate Voter Registration Records solution are:

§ 20108 – Purpose of the chapter – to establish standards and procedures for transmitting and maintaining voter registration records in conformance with HAVA.

§ 20108.1 – Definitions

§ 20108.12 – Action required by county elections official to update, change or cancel a voter registration record.

§ 20108.15 – Data exchange standards

§ 20108.18 – Official statewide voter registration list maintained by state

§ 20108.20 – Requirements of county Elections Management Systems

§ 20108.25 – Deficient voter registration records

§ 20108.30 – Confirmation of California driver's license and state identification numbers for affidavits of registration submitted prior to 01/01/06

§ 20108.37 – Processing new voter registration applications

§ 20108.40 – Updating Calvoter

§ 20108.60 – Duplicate registration records

§ 20108.65 – Verification of driver's license numbers, state identification numbers and Social Security numbers

§ 20108.70 – Processing voter registration affidavits that do not contain a driver's license number, state identification number or Social Security number

3. Obtain Data from Other State Agencies to Identify Ineligible Registrations

HAVA requires states to match records of deceased persons against state voter records to ensure deceased persons are removed from the rolls, and that new registrants are not identified as deceased. HAVA also requires states to match felony records against state voter records to ensure that convicted felons who are ineligible to vote are removed from the rolls.

SOS currently uses automated processes to check for duplicate records in the Calvoter voter registration database. SOS will obtain electronic records of deceased persons from the state Department of Health Services, and of ineligible felons and persons on parole from the state Department of Corrections and Rehabilitation.

Calvoter will be modified to compare records of deceased persons and ineligible felons against its list of registered voters at least weekly. SOS will automatically transmit notices to counties to research and remove any voters thereby determined to be ineligible within 5 business days of notification.

Counties will continue to obtain death and felon notices from local authorities, and will be required by regulation to process those notices on a specified basis in accordance with state and federal elections law.

Proposed Technical Solution

- The California Department of Corrections and Rehabilitation will develop an automated process to send records of ineligible felons and persons on parole to the SOS as an electronic file.
- SOS will modify Calvoter to load records of ineligible felons and persons on parole into a special, "59th county" file. The routine duplicate check process run each week by the SOS will identify registrations that appear to match ineligible felon or parolee records. SOS will automatically send notices of these possible ineligible voters to the registrant's county, which will be required to verify and delete confirmed ineligible voters within 5 business days of notification.
- The California Department of Health Services currently sends electronic notices of recently deceased residents to the SOS each month.
- SOS will modify Calvoter to load records of newly deceased persons into the "60th county" file. The routine duplicate check process run each week by the SOS will identify registrations that appear to match deceased person records. SOS will automatically send notices of these possible deceased voters to the registrant's county, which will be required to verify and delete confirmed ineligible voters within 5 business days of notification.

Proposed Regulations

A complete copy of the draft regulations proposed by SOS is attached hereto as Attachment B. The relevant regulations regarding the “Obtain Data from Other State Agencies to Identify Ineligible Registrations” solution are:

§ 20108 – Purpose of the chapter – to establish standards and procedures for transmitting and maintaining voter registration records in conformance with HAVA.

§ 20108.1 – Definitions

§ 20108.12 – Action required by county elections official to update, change or cancel a voter registration record.

§ 20108.40 – Updating Calvoter

§ 20108.55 – Processing state death and felony status records

4. Requirements for First Time Voters Who Register by Mail

HAVA requires that certain voters that have registered by mail show identification the first time they vote in a Federal election.

To assist in making these determinations, each county must track in its VR system and upload to Calvoter whether the voter is subject to this requirement, or if exempt, the reason for this exemption. Certain supporting information for such exemptions is already or will be recorded in county VR systems and Calvoter.

SOS will develop and operate automated processes to validate that all required information is regularly updated and uploaded to Calvoter.

Proposed Technical Changes

- County VR systems will record and upload to Calvoter whether the registrant is required to present identification and if not, the reason for the exemption.
- County VR systems will record and upload to Calvoter whether the registrant's identification has been verified against DMV or SSA records.
- County VR systems already record and upload to Calvoter whether the voter has registered by mail.
- SOS will modify the specifications and data format for the uploads required from the county EMS to require each of these additional data elements to be included in all data sent to Calvoter.
- SOS will modify computer processes to load the additional fields into the Calvoter database.
- SOS will develop automated processes to verify the presence, format and consistency (e.g., whether a reasonable proportion of records include particular values.)

Proposed Regulations

A complete copy of the draft regulations proposed by SOS is attached hereto as Attachment B. The relevant regulations regarding the "Polling-place Identification Requirements" solution are:

§ 20108 – Purpose of the chapter – to establish standards and procedures for transmitting and maintaining voter registration records in conformance with HAVA.

§ 20108.1 – Definitions

§ 20108.15 – Data exchange standards

§ 20108.20 – Requirements of county Elections Management Systems

§ 20108.38 – Processing new voter registration applications submitted by mail

5. Expedite Implementation of Fully-Compliant HAVA Voter Registration Database

The SOS will acquire and implement a new VR system that will be fully compliant with all of the VR mandates of HAVA. The new system, to be known as VoteCal, will establish a new statewide VR database to replace the VR database in Calvoter and will eliminate the use of county VR databases. Counties will be allowed to continue use of individual EMSs, but all VR data and automated business processes will be performed by VoteCal.

Information technology automation projects in California are necessarily larger and more complex, and therefore more costly and time-consuming, than comparable projects in most other states. Moreover, the State of California has implemented through statute and regulation sophisticated processes and controls to ensure the successful completion of these efforts. Within this statutory and regulatory framework, SOS has developed a procurement and implementation plan to ensure the most rapid possible completion of the VoteCal project.

Many of the activities described in this document will also assist in expediting the successful completion of the VoteCal effort. Some of the most difficult and labor-intensive activities, such as data standardization and the assignment of a true, unique identifier to each voter record, will be completed within this interim plan. The interim plan also includes the establishment of the required interfaces with external entities, including the Departments of Corrections, Health Services, and Motor Vehicles, and the federal Social Security Administration.

Administrative Requirements

The SOS is required to obtain approval from the state Department of Finance and the California Legislature of specific plans for projects of this size, and for efforts to meet statutory requirements. These plans must be described in a Feasibility Study Report (FSR), which serves as the basis for the required approvals.

SOS submitted the FSR for this project on July 15, 2005, a copy of which is attached hereto as Attachment E. The SOS anticipates approval of the FSR by the Department of Finance by November 1, 2005. The California Budget Act for FY 05/06 requires that the Legislature be given 30 days notice before the SOS expends funds toward the VoteCal system. SOS anticipates expiration of this notice period, and with it, approval by the Legislature for the project, by December 1, 2005.

SOS will begin the formal procurement of the VoteCal system immediately after obtaining Legislative approval for the project.

Procurement

The SOS intends to obtain or develop the fastest possible completion of the VoteCal implementation, while ensuring that the state obtains best value for the procurement in accordance with state law and regulations for competitive procurement. The SOS has selected a “business-based” procurement process to meet this requirement within the specific technical and business environment for statewide VR systems. This competitive procurement process will be used to select a bidder to be awarded a contract to become the system integrator for the project, responsible for all technical tasks associated with implementing the system.

The business-based procurement for VoteCal will not specify a technical solution to the competing bidders. Instead, it will describe the business outcomes and functional requirements of the system, along with overall state goals, such as expedited completion and the minimization of disruption to county VR business processes. The SOS chose this approach because of the variety of technical approaches currently proposed by the vendor community, the uncertain availability of specific vendors due to competing efforts in other states, and the desire for expedited implementation.

The SOS intends to provide incentives for early delivery of the completed system, both by giving competitive weight in the procurement to concrete plans for rapid development and implementation, and by balancing that weight with appropriate penalties for contractor delays.

Concurrent Activities

Through this interim plan, the SOS will complete a number of efforts that otherwise would not begin until the commencement of the VoteCal project with the award of the system integration contract. Several of these efforts are expected to be particularly complex and time-consuming. Their early completion will significantly shorten the time required to complete the VoteCal project.

Interim steps that will reduce the time and effort for the VoteCal project, which are described in more detail elsewhere in this document, include the following efforts:

1. Establishment of a unique identifier for each voter.
2. Aggressive elimination of duplicate voter records through the use of the unique voter identifier and other procedures.
3. Implementation of the enhanced interface to the Department of Motor Vehicles and through that, the interface to the Social Security Administration.
4. Implementation of the interface to the Department of Health Services for records of deceased voters.
5. Implementation of the interface to the Department of Corrections and Rehabilitation for records of ineligible felons and persons on parole from felony convictions.

6. Establishment of procedures and technical processes to record in the VR database additional data elements, such as records of list maintenance activities and voter identification verification requirements as required by HAVA and the NVRA.
7. Including inactive voter records in statewide duplicate checking and data cleanup activities.
8. Enforcement of data format and content standards. This effort will provide a substantial reduction in the time and difficulty of creating the VoteCal database.
9. Implementation of an automated process for using NCOA data to check VR address information.
10. Enactment of associated state regulations and county procedures necessary for enforcing the VR mandates of HAVA.